IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22314 of 2004

Between:

J. Pennappa, S/o. Chinna Obulappa,
R/o. Kakkalapalli Village, Anantapur Mandal and District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Anantapur Mandal, Anantapur

District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ of mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in Rc.No.K4/ATP/1352/2004 dt. 20.11.2004 in refusing to grant stay pending appeal as illegal and arbitrary and consequently stay the order of the 2nd respondent passed in Rc.No.D1/CS/1262/2004 dt. 19.9.2004 pending disposal of the appeal before the 1st respondent.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

ORDER:

The authorization of the petitioner as a Fair Price Shop Dealer of Kakkalapalli Village, Anantapur District, was suspended by the 2nd respondent through Show Cause Notice- cum-Suspension Order, dated 19.09.2004. Aggrieved by the same, petitioner preferred an appeal before the 1st respondent together with an application for grant of stay. The 1st respondent issued proceedings, dated 20.11.2004, rejecting the application for stay, while taking the appeal on file. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner has urged several grounds touching on the merits of the matter. This Court does not find it appropriate to deal with the same, at this stage. One aspect, which needs to be taken into account in this matter, is that the petitioner had pleaded elaborate grounds in the appeal preferred against the order of suspension and prayed for stay. The A.P. State Public Distribution System Control Order, 2001, confers power on the 1st respondent to grant interim orders. Whenever an application is made for that relief, the same needs to be considered objectively, and a reasoned order is required to be passed, either while rejecting or granting the relief. This Court found in number of matters from the same District that the appellate authority has passed a uniform and stereotype order to the effect that the appeal is taken on file and the stay petition is rejected. The provision conferring power on the

appellate authority to grant stay was virtually reduced to a dead letter. The 1st respondent is expected to furnish reasons, though not in detail, as to why the petitioner is not entitled for the interim relief of stay. Further, the allegation against the petitioner is general and vague in nature. There is no accusation against him that he has diverted the stocks to black market.

Hence, the writ petition is allowed directing that the order of suspension of dealership passed against the petitioner shall remain stayed, pending disposal of the appeal by the 1st respondent. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 03rd December, 2004

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To

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Anantapur Mandal, Anantapur

District.

4 2CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad. (O.U.T)

5 2CD copies.